

502 KAR 10:080. License suspension, revocation, denial.

RELATES TO: KRS 332.060

STATUTORY AUTHORITY: KRS 15A.160, 332.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 332.100 provide that the Secretary of the Justice Cabinet in cooperation with the Commissioner, Department of State Police, may adopt such administrative regulations necessary to carry out the provisions of KRS Chapter 332. This administrative regulation establishes the department's policy regarding license suspensions, revocations or denials.

Section 1. In addition to the provisions of KRS 332.060, the secretary shall upon receipt of satisfactory evidence, suspend, revoke, refuse to issue or refuse to renew the license of a driver training school or a driver training instructor if:

(1) The licensee fails or refuses to comply with the provisions of KRS Chapter 332 or any rule or administrative regulation adopted thereunder.

(2) The licensee has made a false material statement or has concealed a material fact in connection with his application.

(3) The licensee or any officer, director, partner, or other person directly interested in the driver training school held a license issued under KRS 332.030 which was revoked or suspended and not reinstated.

(4) The licensee has been guilty of a fraudulent practice in attempting to obtain for himself or another a license to operate a motor vehicle.

(5) Written notice of the cancellation of insurance required by KRS 332.030 is received by the commissioner and the licensee does not present satisfactory evidence of insurance to the commissioner prior to the effective date of the cancellation.

(6) The licensee has failed to maintain adequate standards of instructions or safe and necessary equipment which is needed to give proper driver training instruction.

(7) The licensee is employing instructors or agents who have not been licensed by the department.

(8) The licensee has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, immoral conduct, or sexual abuse.

(9) The licensee or any officer, director, partner or other person directly interested in the driver training school or any instructor licensed under the name of the school shall have in their possession a copy of the department's driver licensing examination questions or their equivalent, or attempts to obtain a copy of these test questions for the purpose of making them available to their students or any other person.

(10) The licensee has failed to provide or maintain premises, equipment, or conditions which are adequate, safe, and sanitary in accordance with these administrative regulations.

(11) The licensee or any officer, director, partner, instructor, agent, or other person actively involved in the driver training school is addicted to the use of alcohol, morphine, cocaine, or other mood-altering drug.

(12) The licensee or any officer, director, partner, instructor, agent, or other person actively involved in the driver training school has been legally adjudged mentally incompetent.

Section 2. Whenever a driver training instructor is convicted of driving an automobile while under the influence or of leaving the scene of an accident, reckless homicide, two (2) moving hazardous violations within a two (2) year period, or driving when addicted to or while under the influence of narcotic drugs, his license shall be revoked. (PSfty-DTS-9; 1 Ky.R. 1034; eff. 6-11-75; Am. 12 Ky.R. 1626; eff. 5-6-86.)